

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 3, 5-8, 11-15 and 19-20 are pending in this application. Claims 8 and 11-15 are withdrawn from consideration. Claims 1, 3, 5-8 and 11-15 are amended and claims 2, 4, 9-10 and 16-18 have been cancelled. Claims 19-20 are newly added.

Support for the amendments to the claims and newly added claims 19-20 can be found at least in the original claims, paragraphs [0014] and [0037] - [0038] of the published U.S. application. Therefore, no new matter is added. Claims 1, 7 and 8 are the independent claims.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O. Action, Summary at 12.

**Rejections under 35 U.S.C. § 112**

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claim 5 accordingly. The Applicants, therefore, respectfully request that the rejection to Claim 5 under 35 U.S.C. § 112, second paragraph, be withdrawn.

**Rejections under 35 U.S.C. § 102**

Claims 1-2 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,925,341 to Kaemmerer. Applicants respectfully traverse this rejection for the reasons detailed below.

Claim 2 has been cancelled, and therefore, the rejection of claim 2 is now moot.

On page 3 of the Office Action, the Examiner states that Kaemmerer discloses an animal feed composition including  $\beta$ -indolyl acetic acid in the amounts as presently claimed. Applicants respectfully disagree.

As the Examiner is likely aware, the compound described in column 2 of Kaemmerer is an auxin, otherwise known as conjugated IAA. As described in paragraph [0009] of the specification, the term "free IAA" is used to indicate that the free IAA is in the free or acid form, whereas the term "conjugated IAA" refers to IAA that is conjugated via ester linkages or via amide linkages. Therefore, Kaemmerer does not teach or suggest "[a] non-human animal feed composition comprising free indole acetic acid (IAA)" as recited in claim 1, or "administering an amount of a non-human animal feed including free indole acetic acid (IAA)" as recited in claim 7.

Newly added claims 19-20, dependent on independent claim 7, are patentable over Kaemmerer for the reasons set forth above with respect to independent claim 7.

The Applicants, therefore, respectfully request that the rejection to Claims 1 and 7 under 35 U.S.C. § 102(b) be withdrawn.

### **Rejections under 35 U.S.C. § 103**

#### **Kaemmerer/Hsieh**

Claims 3, 5-6 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaemmerer in view of U.S. Patent Publication No. 2003/0195244 to Hsieh et al. Applicants respectfully traverse this rejection for the reasons detailed below.

Claim 16 has been cancelled, and therefore, the rejection of claim 16 is now moot. Even assuming *arguendo* that Hsieh could be combined with Kaemmerer (which Applicants do not admit), the Examiner has failed to show how Hsieh remedies

the deficiencies of Kaemmerer with respect to independent claim 1. Thus, claims 3 and 5-6, dependent on independent claim 1, are patentable over Kaemmerer and Hsieh for the reasons set forth above with respect to independent claim 1.

The Applicants, therefore, respectfully request that the rejection to Claims 3, 5-6 and 16 under 35 U.S.C. § 103(a) be withdrawn.

**Kaemmerer/Christensen**

Claims 4 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaemmerer in view of Swedish Patent No. SE 8200724 to Christensen et al. Claims 4 and 17 have been cancelled, and therefore, the rejection of claims 4 and 17 is now moot. The Applicants, therefore, respectfully request that the rejection to Claims 4 and 17 under 35 U.S.C. § 103(a) be withdrawn.

**Rejoinder of Withdrawn Claims**

If claim 1 is deemed allowable, Applicants submit that at least claims 13-15 should be rejoined and allowed as claims 13-15 depend on claim 1.

**CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

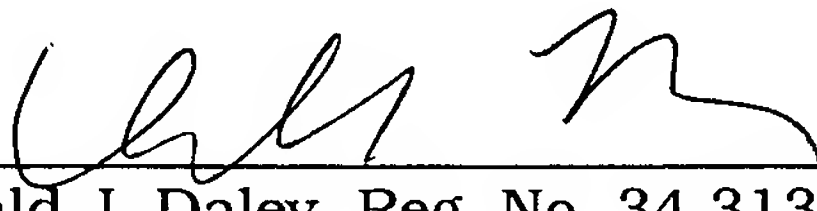
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Erin G. Hoffman, Reg. No. 57,752, at the telephone number of the undersigned below.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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Donald J. Daley, Reg. No. 34,313  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

  
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